

Jonathan O. Hafen (6096) jhafen@parrbrown.com
Royce B. Covington (10160) rcovington@parrbrown.com
Chad S. Pehrson (12622) cpehrson@parrbrown.com
Sara Meg Nielson (13824) snielson@parrbrown.com
PARR BROWN GEE & LOVELESS
101 South 200 East, Suite 700
Salt Lake City, Utah 84111
Telephone: (801) 532-7840
Facsimile: (801) 532-7750

*Attorneys for Defendants Christopher J. Ashby; Jordan S.
Nelson; Scott W. Beynon; Rockwell Debt Free Properties, Inc.;
Rockwell TIC, Inc.; and Rockwell Indianapolis, LLC*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

**ROSA DITUCCI, an individual; STEVEN R.
LaROZA, an individual; DEBRA A. LaROZA, an
individual; BRUCE I. ROSE, an individual;
MAUREEN A. ROSE, an individual; SANFORD
ROBERTS, an individual; HELAINE B.
ROBERTS, an individual; RUSSELL E.
HERTRICH, an individual; FRED JACOB, an
individual; EDWARD A. HENNESSEY, an
individual; RUSSELL E. HERTRICH
REVOCABLE TRUST; SANFORD ROBERTS
REVOCABLE TRUST; HELAINE B. ROBERTS
REVOCABLE TRUST; THE FRED JACOB
LIVING TRUST; EDWARD A. HENNESSEY
2001 REVOCABLE LIVING TRUST; CAMAC,
INC., a Kansas corporation; and BLUSH
PROPERTY, LLC., a Florida limited liability
company,**

Plaintiffs,

v.

**CHRISTOPHER J. ASHBY, an individual; JOHN
D. HAMRICK, an individual; JORDAN S.
NELSON, an individual; SCOTT W. BEYNON,
an individual; WILLIAM BOWSER, an**

**STIPULATION RE: MOTION TO
COMPEL ARBITRATION AND
DISMISS, OR, ALTERNATIVELY,
TO STAY PROCEEDINGS
[DKT. 125]**

Case No. 2:19-CV-00277

The Honorable Tena Campbell

individual; CHRIS BROWN, an individual; SCOTT RUTHERFORD, an individual; GREG DESALVO, an individual; ROCKWELL DEBT FREE PROPERTIES, INC., a Utah Corporation; ROCKWELL TIC, INC., a Utah Corporation; NOAH CORPORATION, a Utah corporation; EDMUND AND WHEELER, a New Hampshire corporation; ROCKWELL INDIANAPOLIS, LLC, a Utah limited liability company; GABRIEL MANAGEMENT CORPORATION, a Utah corporation; BELLE ISLE ENTERPRISES, LLC d/b/a 1031 PLACEMENT, a Florida limited liability company; JOHN DOES I-X, and ROE CORPORATIONS I-X,

Defendants.

Defendants Rockwell Debt Free Properties, Inc. (“Rockwell Debt Free”); Rockwell TIC, Inc. (“Rockwell TIC”); and Rockwell Indianapolis, LLC (“Rockwell Indianapolis” or together with Rockwell Debt Free and Rockwell TIC, the “Rockwell Entities”); Christopher J. Ashby (“Ashby”); Jordan S. Nelson (“Nelson”); and Scott Beynon (“Beynon” or collectively with the Rockwell Entities, Ashby, Nelson, and Beynon, the “Rockwell Defendants”), have submitted to the Court their Motion to Compel Arbitration and Dismiss, or, Alternatively, to Stay Proceedings (Dkt. 125) (the “Motion”). The Rockwell Defendants and Plaintiffs have reached an agreement on a proposed resolution of that Motion. Thus, the Rockwell Defendants, through their counsel of record, and each of the Plaintiffs, through their counsel of record, agree and stipulate as follows:

1. The Plaintiffs and Rockwell Defendants agree to arbitrate the Plaintiffs’ claims against the Rockwell Defendants in a forum and in a manner agreed upon by the parties. In particular, the parties have agreed that the Plaintiffs’ claims against the Rockwell Defendants shall be arbitrated in Utah before one neutral arbitrator to be selected by the parties, and in

accord with the Commercial Rules of the American Arbitration Association as made consistent with the application of the Federal Rules of Civil Procedure to discovery, with discovery limited to document production and depositions and subject to further limitation by the arbitrator to secure just and efficient resolution of the dispute. The resulting judgment may be entered with this Court.

2. By agreeing to this stipulation, the parties do not intend to waive any argument that the terms of an arbitration provision that are contained in certain contracts executed by the parties and that do not contradict the terms of this stipulation do or do not control or are or are not applicable to Plaintiffs' claims against the Rockwell Defendants in the arbitration.

3. All of Plaintiffs' claims asserted against the Rockwell Defendants in this litigation shall be stayed pending the conclusion of the arbitration proceeding.

4. This stipulation shall have no effect on Plaintiffs' claims asserted against any other defendant(s).

A proposed order on the Motion conforming to this stipulation will be submitted to the Court.

DATED this 13th day of November, 2019

PARR BROWN GEE & LOVELESS

/s/ Sara Meg Nielson

Jonathan O. Hafen

Chad S. Pehrson

Royce B. Covington

Sara Meg Nielson

*Attorneys for Defendants Christopher J. Ashby;
Jordan S. Nelson; Scott W. Beynon; Rockwell Debt
Free Properties, Inc.; Rockwell TIC, Inc.; and
Rockwell Indianapolis, LLC*

DATED this 13th day of November, 2019

DEISS LAW PC

/s/ Wesley D. Felix*

Andrew G. Deiss

Brenda E. Weinberg

Wesley D. Felix

Attorneys for Plaintiffs

*Signed by filing attorney with permission

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Andrew G. Deiss (adeiss@deisslaw.com)
Brenda E. Weinberg (bweinberg@deisslaw.com)
Wesley D. Felix (wfelix@deisslaw.com)
DEISS LAW PC
10 West 100 South, Suite 425
Salt Lake City, UT 84101
Attorneys for Plaintiff

D. Loren Washburn (lwashburn@smithwashburn.com)
Jacob L. Fannesbeck (jfannesbeck@smithwashburn.com)
Trinity Jordan (tjordan@smithwashburn.com)
SMITH WASHBURN, LLP
8 East Broadway, Suite 320
Salt Lake City, UT 84111
Attorneys for Greg DeSalvo and Belle Isle Enterprises

Scott D. Sweeney (scott.sweeney@wilsonelser.com)
WILSON ELSER MOSKOWITZ ELDEMAN & DICKER LLP
1225 17th Street, Suite 2750
Denver, CO 80202
Attorneys for John D. Hamrick, Chris Brown, and Edmund and Wheeler

Daniel K. Brough (dbrough@btjd.com)
Ryan M. Merriman (rmerriman@btjd.com)
BENNETT TUELLER JOHNSON & DEERE PC
3165 East Millrock Drive, 5th Floor
Salt Lake City, UT 84121
Attorneys for William Bowser, Noah Corporation, and Gabriel Management,

David L. Mortensen (dlmortensen@stoel.com)
STOEL RIVES
201 South Main Street, Suite 1100
Salt Lake City, UT 84111-4904
Attorneys for Scott Rutherford

/s/ Sara Meg Nielson